

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PETE PETERS TEICHROEB,
Petitioner,

v.

PRAIRIELAND DETENTION CENTER,
Respondent.

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No. 3:17-CV-1303-M

FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

This action was referred to the United States Magistrate Judge pursuant to the provisions of Title 28, United States Code, Section 636(b), as implemented by an Order of the United States District Court for the Northern District of Texas. The Findings, Conclusions and Recommendation of the United States Magistrate Judge follow:

I. Factual background

Petitioner filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is a native of Belize and a citizen of Mexico. He claims that the Immigration and Customs Enforcement (“ICE”) is violating his constitutional rights by detaining him. He seeks release from detention. Petitioner also filed a motion for stay of removal. (ECF No. 9.)

II. Discussion

On June 2, 2017, the Board of Immigration Appeals entered a final order of removal against Petitioner. On or about June 14, 2017, Petitioner was removed from the United States. (See Gov. App. at 6.) The Court finds Petitioner’s removal renders his claim for release from custody moot.


Petitioner also filed a motion for stay of removal. The REAL ID Act of 2005, Pub. L. No.

109-13, 119 Stat. 231, however, divested district courts of jurisdiction over § 2241 petitions attacking removal orders. *See Rosales v. Bureau of Immigration & Customs Enft*, 426 F.3d 733, 736 (5th Cir. 2005). The exclusive means for seeking judicial review of a removal order is through a petition for review directed to the appropriate court of appeals. *See Ramirez-Molina v. Ziglar*, 436 F.3d 508, 511 (5th Cir. 2006). Petitioner's motion for stay should be denied.

III. Recommendation

For the foregoing reasons, the Court recommends that the petition be dismissed as moot, and that Petitioner's motion for stay of removal be denied.

Signed this 8 day of Sept, 2017.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).